

**Town of Stephens City Planning Commission
Minutes
Tuesday, December 9, 2008 (7:30p.m.)**

The Town of Stephens City Planning Commission held the regularly scheduled meeting this month, on Tuesday, December 9, 2008 at 7:30 p.m.

Attendees:

Chairman, Linden “Butch” Fravel, Jr
Commissioner Martha Dilg
Commissioner Joe Grayson
Commissioner Bob Wells
Commissioner Jesse Fox

Absent:

Commissioner Bill Copp
Commissioner Susan Boyd

Staff Present:

Town Planner, Brian Henshaw

Also Present:

Jason Kane, Winchester Star
Patrick Sowers, PHR&A
Ron Mislowsky, PHR&A
Evan Wyatt, Greenway Engineering

Call to Order:

With a quorum present, Chairman Fravel called the meeting to order at 7:30 p.m.

Mr. Bob Wells moved to approve the 2008 minutes. Mrs. Martha Dilg seconded the motion. The minutes were approved.

Chairman Fravel suggested a change in the order of the agenda allowing Mr. Mislowsky and Mr. Sowers to make their presentation on the Davis Property due to a scheduling conflict. Mr. Bob Wells moved to adopt the agenda. Mrs. Martha Dilg seconded the motion. The agenda was approved.

Old Business:

Preliminary Presentation of Davis Property Rezoning:

Mr. Mislowsky briefly thanked that Commission for allowing them to move to the beginning of the Planning Commission agenda. Furthermore he requested a work session with the Planning Commission prior to the regularly scheduled Planning Commission meeting scheduled for Tuesday, January 27, 2009. The Commissioners agreed to the work session and a date of Monday, January 5, 2009 at 7:00pm was set for the work session to hammer out any comments or concerns about the Davis Property rezoning.

Mr. Sowers briefly explained the updated development plan and the drafted proffer package. Mr. Sowers stated that with regard to the proffers, sewer service would be provided in the direction of north or south

through the Town. This would be decided per the engineering study currently being performed by the Town Engineer.

Chairman Fravel mentioned some issues about the inner-parcel connections making logical sense with future connections with the Hollis property. The utmost importance is that the continuation of the grid pattern. Chairman Fravel also raised the issue of having some commercial within the condo development. Mr. Sowers mentioned that they have not finalized that with M. Long but agreed that they would discuss it with Mr. Long of the Long Companies.

Public Hearings:

Joint Future Land Use Plan and Joint Future Land Use Map:

Chairman Fravel opened the public hearing.

Mr. Evan Wyatt of Greenway Engineering mentioned some of the points that concerned him and pass on some concerns with regard to the plan. Mr. Wyatt noted that with regard to the transportation issues, he felt that the use of roundabouts are a good idea, he was concerned if these roads and roundabouts are set fixed points. The concern stemmed from there not being language within the Land Use Plan language that these proposed roads are not fixed point locations. Furthermore, Mr. Wyatt was concerned that the language within the plan contradicted itself with regard to encouraging economic development located on the road frontage, but within the conservation areas it is requiring a 200' buffer on the Route 11 corridor. Mr. Wyatt was concerned that this language would be creating a very excessive buffer, which could cause concern for loosing economically viable lands. Finally, Mr. Wyatt was concerned that the language within the plan was not detailed enough about the level of services and what would be expected with regard to infrastructure and site plan requirements.

Mr. Henshaw briefly responded to some of Mr. Wyatt's comments. Mr. Henshaw stated that the roads are not fixed points and they are shown for planning purposes only. Mr. Henshaw stated that with regard to the infrastructure and the level of services, he felt this was a valid point and would address this with Frederick County to better clarify how to represent this with the plan. As far as the setbacks are concerned, these setbacks for conservation/ open space are in the Town's Comprehensive Plan. Whether or not they are changed, truly is a philosophical decision for the Town. Mr. Henshaw gave a brief background as to why the setbacks are included in the Comprehensive Plan and what the purpose of them are, but also stated that the when the Comp. Plan was drafted it was prior to the annexation and would now create an uneven gateway corridor into the Town.

Commissioner Grayson mentioned that he felt that we have worked with developers, for example with regard to the Davis Property in creating a transition area from a 100' to a 200' buffer by the time it exits the property. Commissioner Dilg agreed, and added the buffer across the Route 11 corridor (south) there simply is not enough land area to preserve a 200' buffer; therefore it would have to be a smaller buffer area. Chairman Fravel stated that he has always been in favor of the 200' buffer and that truly the 200' buffer is not that much land in the grand scheme of the land area. Furthermore, he believes that preserving the 200' buffer will set Stephens City apart from many of the other jurisdictions throughout the Shenandoah Valley.

In final discussions the commissioners and Mr. Wyatt discussed what the acceptable level of services is. How it is current written within the plan, it is conceivable that the projects could be held up or fall apart altogether if they are required to make all off site improvements just to access their project to bring roads or other improvements up an appropriate level of services. Chairman Fravel stated with regard to infrastructure that most likely the Town would not be putting funding into improving infrastructure for these purposes. Chairman Fravel stated that his concern is that we are reading a little too much into the plan. Most Comprehensive Plans, including ours includes an appropriate level of services. Mr. Henshaw advised the Commissioners that where there is some improvements to be made, we need to be careful not to start making too many changes, because we may going in the same direction that got us here in the first place. We are interpreting the plan one way, Frederick County is interpreting it another.

Chairman Fravel closed the public hearing.

New Business:

Recommendation to Council Future Land Use Map and Plan:

Chairman Fravel did raise some issues with regard to the map to make certain the areas that most likely should remain the same as it is currently. These areas included the corner of Stephens Court and Main Street. Mr. Henshaw stated he would work with the Frederick County Staff and GIS department to correct these issues, prior to the plan and map going to Town Council.

Chairman Fravel inquired as to what should be done with regard action for this meeting. Mr. Henshaw stated that it would be in the best interest to hold off on action for this meeting and bring this issue back up at the Special Meeting scheduled on January 5, 2009. Mr. Henshaw stated he would get with Frederick County staff prior to the January 5, 2009 meeting. Mr. Henshaw advised that the he did not recommend the Commission making changes and then having Frederick County make several changes and the end result would be both jurisdictions adopting two different documents. The end result would be right where we started. The commissioners agreed and tabled the recommendation until provided with more information from Mr. Henshaw.

Bluestone Industrial Park Minor Subdivision:

Mr. Henshaw briefly introduced the issue and introduced Mr. Evan Wyatt of Greenway Engineering to present the Minor Subdivision.

Mr. Wyatt briefly discussed the minor subdivision application and stated that in working with the staff, they have scaled back the parking requirements which allow them to create a 100' buffer in the front which will match the existing setback of the neighboring Southern States business. Mr. Henshaw stated that the subdivision allows them continue on with the site plan. The reason for many of the delays in getting to this point was because of the Chapter 527 laws that state that a municipality has the right to require full TIA. Mr. Henshaw stated that the applicant has already provided the information needed and by moving forward at this point waives a full TIA for this minor subdivision. Any future subdivision request, the Town should require a TIA for the entire site. Mr. Henshaw recommended approval of the minor subdivision application to allow Town Manager/ Zoning Administrator Michael Kehoe to sign off on the application.

Commissioner Fox made a motion to approve the minor subdivision application. Commissioner Dilg seconded the motion. The motion was approved 5-0.

Planning Commission By-laws:

Mr. Henshaw briefly presented the by-laws. At the last meeting of the Planning Commission voted to send the by-laws to the Council for general approval. Mr. Henshaw stated that the Council voted to approve the recommended by-laws. Mr. Henshaw stated that the by-laws now just needed to be officially adopted by the Planning Commission.

Chairman Fravel noted some “typos”. Mr. Henshaw took note of the recommended changes.

Commissioner Fox made a motion to adopt the by-laws. Commissioner Grayson seconded the motion. The motion was approved 5-0.

Elect a Chairman and Vice-Chairman:

Mr. Henshaw stated that the Planning Commission needed to appoint a Chairman. Commissioner Wells made a motion to appoint Commissioner Fravel as the Chairman. Commissioner Dilg seconded the motion. The motion was approved 5-0.

Commissioner Wells made a motion to appoint Commissioner Dilg Vice-Chairman. Commissioner Fox seconded the motion. The motion was approved 5-0.

Old Business:

Nichols Special Use Permit on Plymouth Street:

Mr. Henshaw briefly described the special use permit that Mr. Nichols had obtained with the Town approximately two to three years ago to construct 8 townhouse units fronting on Plymouth Street. Mr. Nichols is now requesting a change to the special use permit to construct 7 duplexes opposed to the townhouses. The houses being proposed to be constructed are one bedroom apartment units and are smaller than original proposed townhouses. All of the other conditions associated with the special use permit will continue to be part of the change.

The Commissioners agreed that it would be helpful to have Mr. Nichols present at the meeting to answer any specific questions. There was discussion with regard to the required open space being met. Mr. Henshaw stated that the open space requirement would really be reviewed during the site plan stage. The Commissioners also discussed the various differences between the two housing types from a townhouse to a duplex. It was agreed that it would be helpful to see a front elevation of the proposed change. The Commissioners requested that Mr. Nichols be requested to be at the next scheduled meeting.

Commissioner Fox made a motion to table the consideration of an amendment of Mr. Nichols Special Use Permit for a change from 8 townhouses to 14 single story apartments.

Commissioner Wells seconded the motion.

The motion passed 5-0.

Discussion:

Brief Updates:

Mr. Henshaw stated that he will bring the Annual Report for the Commissions review in January. Furthermore he stated that he would be putting the final touches on the Subdivision Ordinance draft in the coming month and would be getting with the sub-committee to begin review.

Citizen Comment Period:

There was no citizen's comment.

Hearing no comments, Chairman Fravel entertained a motion to adjourn.

Commissioner Wells made a motion to adjourn. Commissioner Fox seconded the motion.

The meeting adjourned at 9:03pm.